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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

Art Unit: 1654

BETSCHART ET AL.

Examiner: Heard, Thomas Sweeney

APPLICATION NO: 10/561,949

FILED: DECEMBER 22, 2005

FOR: MACROCYCLIC COMPOUNDS HAVING ASPARTIC PROTEASE
INHIBITING ACTIVITY AND PHARMACEUTICAL USES THEREOF**MS: Amendment**

Commissioner for Patents

PO Box 1450

Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This paper is being filed in response to the Office Action mailed September 18, 2006, which indicated that claims 1 to 9, 11 and 12 are subject to restriction under 35 U.S.C. § 121. The Office Action set a shortened statutory period for reply of one month from the mailing date of the communication. A four month extension of time petition is included herewith.

Claims 1 to 9, 11 and 12 are pending in the current Application. An election under 35 U.S.C. § 121, including an election of species for searching purposes, has been required to the subject matter of:

- Group (I) Claims 1-4, 6-8, and 12, drawn to compositions for the treatment of beta-amyloid aggregation, classified in class 514, subclass 2+.
- Group (II) Claim 5, drawn to a method of making the compounds of Group I, classified in class 514, subclass 2+.
- Group (III) Claims 9, 11 and 12, drawn to a method of treatment, classified in class 154, subclass 2+.

In response to the Restriction Requirement, Applicants provisionally elect, *with traverse*, the invention of Group (I), namely, claims 1-4, 6-8 and 12 drawn to compositions for the treatment of beta-amyloid aggregation. In response to the species election, the compound of Example 1 (2R,4S)-N-butyl-4-hydroxy-2-methyl-4-((10S, 13S)-10-methyl-8,11-dioxo-2-oxa-9,12-diaza-bicyclo[13.3.1]nonadeca-1(18), 15(19), 16-trien-13-yl)-butyramide is elected. Applicants expressly reserve the right to file divisional applications directed to the non-elected subject matter. It is respectfully requested that the restriction requirement be favorably reconsidered and withdrawn. Upon an indication of allowable subject matter, Applicants will consider cancellation of claims directed to non-elected subject matter.

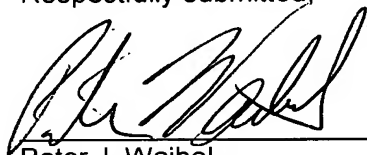
Applicants thank the Examiner for indicating that rejoinder of the process and/or method claims upon an indication of allowable subject matter and that in the event of rejoinder the restriction requirement between product and the rejoined process and/or method claims will be withdrawn and that the rejoined process claims will be fully examined for patentability.

The Examiner is hereby invited to contact the undersigned by telephone if there are any questions concerning this response or application.

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Date: 2/20/07

Respectfully submitted,



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